

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

IN RE:

CHARLES CLYDE NELSON III  
MELISSA ANN NELSON

CASE NO. 05-18609 FM

SSN: XXX-XX-5847

SSN: XXX-XX-1950

DEBTOR(S)

CHAPTER 13

TRUSTEE'S MOTION TO DISMISS AND  
NOTICE OF OPPORTUNITY OF HEARING

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within twenty (20) days from the date of service, no hearing will be held and the relief requested in the motion will be granted without a hearing being held. A timely filed response is necessary for a hearing to be held.

If you file a timely response, a hearing will be held on the Motion on the 7TH day of MARCH, 2006 at 10:00 AM at U.S. Bankruptcy Courtroom 1, 903 San Jacinto, Third Floor, Austin, Texas 78701.

The Trustee in this case states that the Debtor(s) is in material default in the amount of \$ 555.00 as of February 1, 2006 per the unconfirmed plan filed by the Debtor(s) on Oct 31, 2005 and that the payments made by or for the Debtor(s) have not been made as proposed. Please note that the default figure noted above may include the current month's plan payment.

A copy of the Trustee's Report dated February 1, 2006 is attached. This report discloses that the Debtor(s) is/are in material default of the payments proposed by the Debtor's(s') plan, all without demonstrated justification. Wherefore, the Trustee moves that the subject case be dismissed and for such other further relief to which she may be entitled.

Respectfully Submitted,

/s/ Deborah Langehennig

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Deborah Langehennig, Chapter 13 Trustee  
3801 Capital of Texas Hwy. S., Suite 320  
Austin, Texas 78704-6640  
(512) 912-0305

RECEIPT HISTORY

TOTAL	\$	<hr/>	.00
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